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August 8, 1995

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: MM Docket No. 95-98; RM-8603
Amendment of Section 73.202(b)
FM Table of Allotments
(Cheyenne and Saratoga, Wyoming)

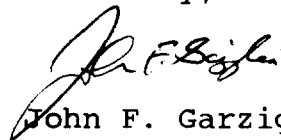
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Dear Mr. Caton:

Transmitted herewith on behalf of Rule Communications and KRAE, Inc. is an original and four copies of Comments in the above-referenced proceeding. These Comments support the allotment of Channel 260A to Cheyenne, Wyoming with an order specifying that Rule Communications amend its application to specify Channel 260A in lieu of Channel 285A without loss of cut-off protection.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,



John F. Garziglia

Enclosure

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of) MM Docket No. 95-98
)
Amendment of Section 73.202(b)) RM-8603
FM Broadcast Stations)
(Cheyenne and Saratoga, Wyoming))

To: Chief, Allocations Branch

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COMMENTS

Rule Communications, by its attorney, and KRAE, Inc., by its president,^{1/} pursuant to Sections 1.415 and 1.420 of the Commission's rules, and Notice of Proposed Rule Making, DA 95-1334, released June 23, 1995, hereby submits its comments in support of the allotment of Channel 260A to Cheyenne, Wyoming as the community's fifth local transmission service, with an order specifying that Rule Communications amend its application to specify Channel 260A in lieu of Channel 285A without loss of cut-off protection. In support thereof, the following is submitted:

1. Rule Communications and KRAE, Inc. hereby incorporate by reference their December 30, 1994 Petition for Rule Making in these Comments. Rule Communications restates, that upon the allotment of Channel 260A or any other Class A allotment to Cheyenne, Wyoming, and a reservation of that channel for the application of Rule Communications with cut-off protection, Rule Communications will promptly submit an appropriate amendment

^{1/} Pursuant to Section 1.52 of the Commission's rules, an affidavit of the president of KRAE, Inc. is attached, verifying that the statements contained in these Comments are accurate to the best of his knowledge.

specifying the allotted channel for its proposed facility, and when authorized, construct a station promptly.

2. The public interest would be well served by the requested allotment as it would accommodate both applicants' requests for a Class A channel, and avoid a comparative hearing for Channel 285A. By adopting the Commission's proposal in the Notice of Proposed Rule Making, both applicants will be able to quickly initiate service to Cheyenne. In addition, there would be a reduction in the burdens on the Commission's processing and hearing resources by the elimination of the need for the designation for a hearing of the mutually exclusive applications, and the subsequent hearing.

3. Rule Communications and KRAE, Inc. take no position on whether Option I or Option II is adopted in this proceeding.^{2/} If interest is expressed in a Class C allotment at Saratoga, Wyoming on or prior to the comment deadline date in this proceeding, then the Commission should adopt Option II, in which Channel 277C is allotted to Saratoga, Wyoming in place of Channel 260C. If, however, no interest is expressed in a Class C allotment at Saratoga, Wyoming on or before the comment deadline date in this


^{2/} It should be noted that in the table describing Option II, Channel 292C3 is proposed to be allotted to Saratoga, Wyoming. This is an evident typographical error and was certainly not intended by the Commission in the Notice of Proposed Rule Making, as such an allotment is wholly inconsistent with any other portion of the Notice of Proposed Rule Making. In Option II, it is assumed that Channel 292C3 remains allotted to Cheyenne.

proceeding, then the Commission should adopt Option I in which Channel 260C at Saratoga, Wyoming is deleted.

WHEREFORE, for the reasons above and for the reasons stated in the December 30, 1994 Petition for Rule Making, it is respectfully requested that Channel 260A be allotted to Cheyenne, Wyoming and that the Commission order the amendment of the Rule Communications application to specify Channel 260A in lieu of Channel 285A while maintaining cut-off protection for the Rule Communications application; and that the vacant and unapplied for Channel 260C at Saratoga, Wyoming be deleted, or in the event an expression of interest for Saratoga, Wyoming is timely submitted, Channel 277C be substituted for Channel 260C at Saratoga, Wyoming.

Respectfully submitted,


RULE COMMUNICATIONS

By: 
John F. Garziglia
Its Attorney

Pepper & Corazzini, L.L.P.
1776 K Street, N.W.
Suite 200
Washington, D.C. 20006
(202) 296-0600

August 8, 1995

KRAE, INC.

By: 
Tom Bauman
President

KRAE, Inc.
P.O. Box 189
2109 East Tenth Street
Cheyenne, Wyoming 82003
(307) 634-5723

AFFIDAVIT

I, Tom Bauman, President of KRAE, Inc., P.O. Box 189, 2109 East Tenth Street, Cheyenne, Wyoming 82003, do hereby state and declare under penalty of perjury that I have reviewed the foregoing Comments, that to the best of my knowledge, information and belief the information presented is accurate, there is good ground to support them, and that they are not interposed for delay.

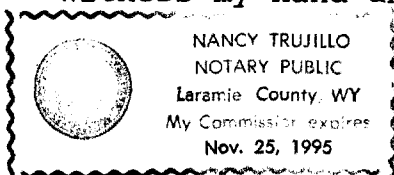
Executed this 4th day of August, 1995.

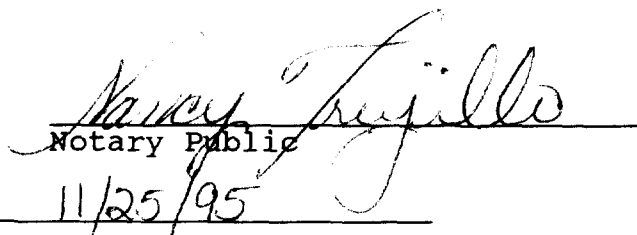

Tom Bauman

STATE OF WYOMING)
COUNTY OF Laramie) ss:

The foregoing instrument was acknowledged before me by Tom Bauman, this 4th day of August, 1995.

Witness my hand and official seal.



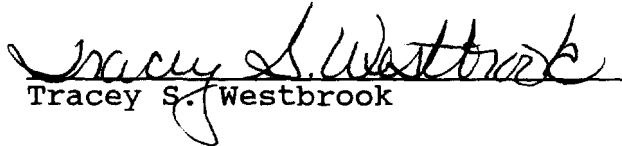

Notary Public

My Commission Expires On: 11/25/95

CERTIFICATE OF SERVICE

I, Tracey S. Westbrook, a secretary in the law firm of Pepper & Corazzini, L.L.P., do hereby certify that a true copy of the foregoing "Comments" was sent this 8th day of August, 1995 by U.S. first class mail, postage prepaid, to the following:

Sharon P. McDonald
Allocations Branch
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W.
Fifth Floor
Washington, D.C. 20554


Tracey S. Westbrook